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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,892	06/28/2006	Peter Bleckert	P18823-US1	1926
27045	7590	08/20/2008	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			HOQUE, NAFIZ E	
			ART UNIT	PAPER NUMBER
			2614	
			MAIL DATE	DELIVERY MODE
			08/20/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/596,892	BLECKERT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	NAFIZ E. HOQUE	2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/28/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 32-34 are objected to because of the following informalities: Claims 32-34 depend on claim 1, which is canceled in the current application. The examiner will consider the dependency of claims 32-34 to be on independent claim 18. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 18, 22-23, 27-28, and 31-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Jennings et al. (US 6,430,174).

Regarding claims 18, 23 and 28, Jennings teaches a method for automatically discovering a shared multimedia service capability of two user equipments when initiating a voice call between two parties, one of the user's equipment, which belongs to a calling party being capable of running simultaneously both a circuit switched voice call in a CS network, and a packet switched IP session supported by a PS network, and at least one second user equipment, belonging to a called party, which multimedia capability may be unknown to the calling party and for discovering matching multimedia

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capability of the two user equipments when initiating a voice call over the circuit switched network to the other user equipment (Abstract; Fig. 1, 2a, 2b; col. 3, lines 3-29), the method comprising the steps of:

receiving from means in the CS network simultaneously a capability request for the two user equipments to the PS network supporting the SMM service (col. 5, lines 25-35);

analyzing the capability request by means in the PS network; and responding simultaneously to the user equipments information regarding matching multimedia capability, if at least one matching service is found (col. 6, lines 27-32).

Regarding claims 22, 27, and 31, Jennings teaches wherein the generation of capability requests by the means in the CS network is based on IN technology or Parlay technology (fig. 1, element 100 - IN network which has decision making capabilities).

Regarding claims 32-34, Jennings teaches a computer program product comprising computer executable software stored on a computer readable medium, the software being adapted to run on a computer or other processing means (col. 10, line 64 - col. 11, line 10).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 19-21, 24-26, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jennings et al. (US 6,430,174) in view of Sylvain (US 2004/0120498).

Regarding claims 19 and 24, Jennings teaches discovering shared multimedia capabilities.

Jennings does not disclose the step of registering the supported SMM Capabilities of the user equipment SMM Capabilities in a SIP registration procedure towards an IMS element of the user equipment's home PS network at user equipment power on.

Sylvain teaches the step of registering the supported SMM Capabilities of the user equipment SMM Capabilities in a SIP registration procedure towards an IMS element of the user equipment's home PS network at user equipment power on (Para 0049).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Jennings with teaching of Sylvain, to register the multimedia capabilities in order to save time in the future by easily retrieving capabilities faster.

Regarding claims 20, 25, and 29, Jennings teaches discovering shared multimedia capabilities.

Jennings does not disclose that the receiving, analyzing and responding steps are performed by a SIP Application Server for Shared Multimedia Services.

Sylvain discloses that the receiving, analyzing and responding steps are performed by a SIP Application Server for Shared Multimedia Services (Fig. 1, element 26; Para 0023).

Therefore, it would have been obvious to a person or ordinary skill in the art at the time of the invention was made to modify Jennings with teaching of Sylvain, to use SIP to provide signaling and session management for voice and multimedia connections over packet-based networks.

Regarding claims 21, 26 and 30, Jennings teaches discovering shared multimedia capabilities.

Jennings does not disclose that a response is sent to both user equipments as a SIP message.

Sylvain discloses that a response is sent to both user equipments as a SIP message (Para 0023).

Therefore, it would have been obvious to a person or ordinary skill in the art at the time of the invention was made to modify Jennings with teaching of Sylvain, to use SIP to provide signaling and session management for voice and multimedia connections over packet-based networks.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tuohimetsa et al. – (US 7,031,706) IP Multimedia Availability Detection

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Kuusinen et al. - (US Pub 2005/0083909) – Establishing a CS Communications via PS Network

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAFIZ E. HOQUE whose telephone number is (571)270-1811. The examiner can normally be reached on M-F Alternate Fridays Off 7:30 - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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